

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

February 13, 1947
10:55 A.M.

Council Chamber, City Hall

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The meeting was called to order, with Mayor Miller presiding.

Roll call

Present : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry
and Wolf - 4

Absent : Councilman Glass - 1

Present also: Guiton Morgan, City Manager; J. E. Motheral, Director
of Public Works; Trueman E. O'Quinn, City Attorney; and R. D. Thorp, Chief
of Police.

The reading of the Minutes was dispensed with.

A large delegation of property owners on the west side of the Dallas Highway, with Bob Lyles as spokesman, presented a petition asking that the sewerage line and facilities be extended from the most northerly point on the Dallas Highway where the facilities now end to a point on said Dallas Highway about opposite the Alta Courts located on the east side of said Highway, Mr. Lyles stating that the property owners would cooperate in securing any easements for the extension that may be needed. The group were advised that the Council would take the matter under earnest consideration and give them an answer, assuring them that the work will be done if it is at all possible .

Pursuant to published notice thereof, the public hearing on the application of Sam R. LaGrone, Chas. Wolf, S. B. Tunnell, Alma Reese, and Mrs. D. A. Lane, W. T. Caswell, Thos. C. Jensen, and Mrs. W. T. McElroy to amend the Zoning Ordinance of the City of Austin in the following particular:

To amend the USE designation of the following rescribed property so as to change the same from "B" Residence District to "C" Commercial District, but with no change in the present Height and Area District designation, to-wit:
Lots 10 to 16, inclusive, Duval Addition, Outlot 1, Division "Z"; and Lots 17, 18, and 19, Woodland Addition, Division "Z", being located in the 1200 and 1300 blocks on West 6th Street,

was duly opened.

No one appeared to protest the proposed change in zoning.

Whereupon Councilman Bartholomew moved that the change be granted and the City Attorney be instructed to prepare an amendment to the Zoning Ordinance accordingly, for passage at the next regular meeting. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Glass

Pursuant to published notice thereof, the public hearing on the application of Mrs. Ida Frances McGill, through her attorneys, Looney & Clark, to amend the Zoning Ordinance in the following particulars:

To amend the USE designation of the following described property so as to change the same from "A" Residence District to "B-1" Residence District, to-wit:

All of Lot 14 and the south one-half of Lot 15, Block 3, Carrington's Subdivision of Outlots 26, 27, and 28 in Division "D", located at 1909 Cliff Street, in the City of Austin, Texas.

was duly opened.

The following proponents of the change were heard first, substantially as follows:

C. F. Herring, representing the firm of Looney & Clark, Attorneys for Mrs. Ida Frances McGill, Applicant, plead for the change on the grounds that the house was built for a rooming and apartment house and was used as such at the time his client bought it; that other property in the neighborhood is being used for such purpose; that soon after his client bought the property, the neighbors signed a petition protesting its use as a rooming and boarding house to the Board of Adjustment, whereupon the said Board granted his client special permission to so use the property to June 1; that said property is only one-half block from a "B" Residence District and is located in the University neighborhood where there is a definite need for such Use; that it is located on a dead end street; that his client is a widow and that is her only means of support; and he further presented a petition signed by property owners on David Street within 200 feet agreeing to the change.

Mrs. Ida Frances McGill, Applicant, also plead for the change on the grounds that the house is not suitable for any use except as a rooming and boarding house and no one would buy it except for that purpose; that there are only three houses within one block of her place; that she runs a quiet house and keeps only University students, most of whom are GIs; and that it is her only means of support for herself and family.

Lewis Fisher also spoke in favor of the change on the grounds that as a prior owner of the property he used same as a rooming house and nothing

Was ever said to him about its being a nuisance or that he was violating a city ordinance; that the man from whom he bought the property also used it as a rooming house, as did the original owner; and that while he owned the house the traffic was heavier there than at present.

The following opponents of the change were then heard, substantially as follows:

James P. Hart, Attorney, representing Dr. J. T. Patterson, property owner, declared that a suit now pending in the courts by Mrs. McGill against Lewis Fisher on account of alleged USE of the property would protect her from any loss sustained; that undue emphasis is being given to the needs and desires of University students, and too little to those of the faculty of the University, of which his client has been a member for many years, as they, too, need a quiet place to study; that people have established their homes there because it is an "A" Residence District; and that these are the facts on which the Board of Adjustment based its report in the matter.

Ben Thrasher, representing Mrs. Dorothy H. Thrasher, declared that when the original owner built the house she consulted the Building Inspector and was told that she could put up a house as a residence and rent out one apartment; that the permit was not granted for a rooming house and at no time until 1943 was it ever used as a girls' rooming and boarding house; that there is a lot of opposition to it on David Street; that both Mrs. Hill and Mrs. Alexander object to it as they believe it will materially hurt the value of their property and because of the noise and traffic there.

J. C. Hinsley, Attorney, representing O. H. Radkey, property owner, declared that his clients oppose the change; that one-half of the signers on the petition presented by Mr. Herring are not within 200 feet of the property in question and are not property owners but renters; that by far a large majority of the property owners in that area are opposed to the change; that this is entirely an "A" Residence District, the only "B" Residence District being over 400 feet away by direct line, and 800 feet away by street; that there are no other variations there; and that this is spot zoning and it does not seem fair to change the whole character of a neighborhood for private personal gain. He also presented his objections in writing.

Donald P. Stevens, 1112 West 22nd Street, declared that he bought his property there in 1942 because it was a quiet neighborhood; that soon thereafter somebody bought the property in question for a rooming house and that a petition protesting same was in process of being signed when Mrs. McGill bought the property; that it is a one-way street and a traffic hazard; that he objects to the change on account of the traffic hazard as well as the cheapening of property in the neighborhood.

Mr. and Mrs. Montgomery voiced their protests as potential owners of property in the neighborhood, declaring that they had contracted to buy property in this neighborhood because they considered it a quiet neighborhood in which to rear their children where traffic was not a hazard, but that if the change is granted they will not, in all probability, build their home there.

Mrs. Donald Stevens declared that they bought their home there because it was close to the University, to the schools, and a desirable place in which to rear their children; that it seems unfair to people who have invested there for another person to come in and start a rooming house and those who own property not be protected by law for its continuance as residential.

Mrs. G. M. Howell voiced her opposition to the change, both orally and by written protest, on the grounds that it was most unfair that property owners and taxpayers residing in an area over a period of 20 to 25 years should be to obvious new comers with only a monetary angle behind their motive.

Dr. and Mrs. J. T. Patterson voiced their opposition to the change on the grounds that the east side of Sheal Creek from 19th to 24th Streets is one of the most desirable home-building sites in Austin; that University faculty members have built their homes there and they are permanent residents, taxpayers, and contribute not only to the cultural and intellectual life of its citizens but to the commercial as well; that the street is too narrow to accommodate the increase in traffic; that when the matter came before the Board of Adjustment the whole plea was for accommodations for GIs, but that it developed later they were not all GIs; that if this change is granted, this area will be invaded with real estate speculators.

O. H. Radkey opposed the change on the grounds that he has purchased a lot there for a homesite but if the change is granted he will not build on it; that while the occupants of the house at present are fine, quiet young men that in no respect guarantees what those who follow them will be; that this neighborhood is by nature a desirable residential area; that it is unfair that members of the University staff and others should be forced to move a long way from the University to enjoy residential privileges; and that as a person of moderate means he wants to enjoy "A" zone privileges.

Mrs. Goff opposed the change, declaring that she moved there because it was a quiet neighborhood and does not want to see the zone changed in this respect.

No other property owners or interested citizens desiring to be heard. Councilman Thornberry moved that the Council uphold the Board of Adjustment and the change be not granted. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Glass

Mayor Miller, in casting his vote in the affirmative on the above question, stated that he did so reluctantly because there was no other recourse in view of the facts in the case, but that he was opposed to confiscation of property whereby Applicant might lose the money she had invested in the property.

A committee from the Veterans of Foreign Wars Organization submitted a request for permission to use the first parking space on the north side of West 7th Street just off Congress Avenue for parking their automobile on which chances are being sold, permit to be granted to March 24. It was

the sense of the Council that the request be granted.

The application of J. S. Brown, by Roger B. Tyler, Attorney, for change in zoning, from "B" to "D", of the property at 1504 and 1506 West 5th Street, located at the corner of West 5th Street and Powell Street, was received. Councilman Bartholomew moved that the matter be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Glass

The application of C. R. Flournoy for change in zoning, from "B" Residence District to "C" Commercial District, of the property located at 1627 East 11th Street, was received. Councilman Bartholomew moved that the matter be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Glass

Councilman Thornberry offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the final plat of the subdivision known as "Brykerwoods Annex" approved by the City Planning Commission of the City of Austin on January 29, 1947, be, and the same is hereby, accepted and authorized to be filed of record in the office of the County Clerk of Travis County, Texas, in accordance with the provisions of the laws of the State of Texas and the ordinances of the City of Austin; and that this action of the City Council be indicated by appropriate notation, signed by the Mayor, on the original plat of said subdivision prior to its recording in the Plat Records of Travis County, Texas.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Glass

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the following tract of land owned by the City of Austin, a municipal corporation situated in Travis County, Texas, be, and the same

is hereby set aside and dedicated for use as a public street and thoroughfare in the City of Austin, being an extension of Chestnut Avenue, said tract being described as follows:

That certain tract or parcel of land, being out of and a part of a certain 100-acre tract or parcel of land out of the Thomas Hawkins Survey and the J. C. Harrelson Survey, within the City of Austin, Travis County, Texas, which 100-acre tract or parcel of land was conveyed to the City of Austin by J. M. Patterson et al by deed dated February 28, 1941, of record in Volume 668, pages 396-397, of the Deed Records of Travis County, Texas, the said tract or parcel of land being more particularly described by metes and bounds as follows:

Beginning at a point in a segment of a curve whose radius is 330.00 feet, same being the south line of Wilshire Boulevard, said point of beginning being the northeast corner of W.L. Bradford et al tract of land, and from which point of beginning an iron stake at the southwest corner of said City of Austin 100-acre tract of land bears S. $30^{\circ}07'$ W. 66.70 feet;

Thence following the curving south line of Wilshire Boulevard to the left an arc distance of 201.78 feet, the sub-chord of which arc bears N. $47^{\circ}38'$ E. 198.56 feet to the point of tangency of said curve;

Thence S. $30^{\circ}07'$ W. 62.19 feet to the point of curvature of a curve whose intersection angle is $39^{\circ}39'$, whose radius is 207.40 feet and whose tangent distance is 74.77 feet;

Thence following said curving line to the left an arc distance of 143.53 feet, the long chord of which arc bears S. $10^{\circ}18'$ W. 140.68 feet to the point of tangency of said curve;

Thence S. $9^{\circ}32'$ E. 78.89 feet to a point in the south line of said City of Austin 100-acre tract or parcel of land, same being the north line of Willow Brook Addition, a subdivision of record in Book 4, page 259, of the Plat Records of Travis County, Texas, and from which point the northeast corner of Lot 1, Block C, Willow Brook Addition bears S. $60^{\circ}08'$ E. 151.06 feet;

Thence with the south line of said City of Austin 100-acre tract of land N. $60^{\circ}08'$ W. 77.65 feet to a point at the northeast corner of Lot 1, Block B, Willow Brook Addition, and from which point the southwest corner of said City of Austin 100-acre tract of land bears N. $60^{\circ}08'$ W. 80.40 feet;

Thence N. $9^{\circ}32'$ W. 87.46 feet to the point of curvature of a curve whose intersection angle is $105^{\circ}19'$, whose radius is 15.48 feet, and whose tangent distance is 20.29 feet;

Thence following said curving line to the left an arc distance of 28.45 feet, the long chord of which arc bears N. $62^{\circ}11'$ W. 24.61 feet to the point of beginning, containing 0.24 of one acre of land

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Clerk be, and she is hereby, authorized and directed to file this resolution in the office of the County Clerk of Travis County, Texas, giving notice to the public of the dedication for street purposes of the tract of land hereinabove described.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Glass

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves the property located on the south side of East 6th Street as a private gasoline filling station, which property is owned by the Central Beverage and Distributing Company, and is designated as Lot 16 of Morsland Place, Outlet 11, Division "A" of the City of Austin, Travis County, Texas, and hereby authorizes the said Central Beverage and Distributing Company to operate a private gasoline plant consisting of a 550-gallon underground tank and electric pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, subject to the same's being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Central Beverage and Distributing Company has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

" Austin, Texas
February 13, 1947

Mr. Gaiton Morgan
City Manager
Austin, Texas

Dear Sir:

I, the undersigned, have considered the application of the Central Beverage and Distributing Company for permission to operate a private

gasoline plant consisting of a 550-gallon underground tank and electric pump for the sole purpose of servicing their own motor equipment, from which no gasoline is to be sold, upon property located on the south side of East 6th Street, which property is designated as Lot 16 of Morsland Place, Outlet 11, Division "A" of the City of Austin, Travis County, Texas, and locally known as 2609 East 6th Street.

This property is located in an "E" Heavy Industrial District and I recommend that this permit be granted, subject to the following conditions:

- (1) That the gasoline tanks and pumps shall be of an approved type and shall bear the label of the Underwriters Laboratories, Inc., and that all tanks and pumps shall be installed in compliance with the ordinance governing the storage and handling of gasoline.
- (2) That all pumps shall be located not nearer than 10 feet to the property line and so located that cars stopped for the purpose of receiving gasoline or other supplies shall not in any way obstruct the free passage of traffic on either the sidewalk, street, or alley.
- (3) That "NO SMOKING" signs shall at all times be prominently displayed, and no person shall be permitted to smoke on the premises where gasoline is handled or stored.
- (4) That all fees shall be paid and a permit secured from the Building Inspector's office before any installation work is started, and that no equipment shall be placed in operation until after final inspection and approval of same.

Respectfully submitted,

(Sgd) J. C. Eckert
Building Inspector. "

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilman Bartholemew, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Glass

Councilman Thornberry introduced the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the final plat of the subdivision known as "Pannell Place" approved by the City Planning Commission of the City of Austin January 29, 1947, be, and the same is hereby, accepted and authorized to be filed of record in the office of the County Clerk of Travis County, Texas, in accordance with the provisions of the laws of the State of Texas and the ordinances of the City of Austin, and that this action of the City Council be indicated by appropriate notation, signed by the Mayor, on the original plat of said subdivision prior to its recording in the Plat Records of Travis County, Texas.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Glass

Councilman Thornberry offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the final plat of the subdivision known as "Chernosky #14" approved by the City Planning Commission of the City of Austin January 29, 1947, be, and the same is hereby, accepted and authorized to be filed of record in the office of the County Clerk of Travis County, Texas, in accordance with the provisions of the laws of the State of Texas and the ordinances of the City of Austin, and that this action of the City Council be indicated by appropriate notation, signed by the Mayor, on the original plat of said subdivision prior to its recording in the Plat Records of Travis County, Texas.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Glass

Councilman Thornberry offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the final plat of the subdivision known as "Giles Place, Section 1" approved by the City Planning Commission of the City of Austin January 29, 1947, be, and the same is hereby, accepted and authorized to be filed of record in the office of the County Clerk of Travis County, Texas, in accordance with the provisions of the laws of the State of Texas and the ordinances of the City of Austin, and that this action of the City Council be indicated by appropriate notation, signed by the Mayor, on the original plat of said subdivision prior to its recording in the Plat Records of Travis County, Texas.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Glass

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves the construction and maintenance of a loading platform in the sidewalk area on the west side of San Saba Street between East 4th and East 5th Streets, adjoining property which is owned by the Safe-Way Farm Products Company, the same being designated as Lot 16, Block 2, Chernosky Subdivision as shown by the deed records of Travis County, Texas, locally known as 2517 East 5th Street, and hereby authorizes the Safe-Way Farm Products Company to construct and maintain said loading platform, subject to the same's being constructed in compliance with all the ordinances relating thereto and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue a building permit for the construction of this loading platform after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations, and the right of revocation is retained, if, after hearing, it is found by the City Council that the said Safe-Way Farm Products Company has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations attached)

"Austin, Texas
February 13, 1947Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of the Safe-Way Farm Products Company of Austin, Texas, for permission to construct and maintain a loading platform in the sidewalk area on the west side of San Saba Street between East 4th and East 5th Streets adjoining Lot 16, Block 2, Chernosky Subdivision, as shown by the deed records of Travis County, Texas, locally known as 2517 East 5th Street, and we hereby advise that the following conditions exist:

The property upon which this warehouse is located is designated as "E" Heavy Industrial District, as shown upon the Zoning Maps of the City of Austin.

This neighborhood is in an Industrial and essentially a warehouse district and as this area develops, we may expect similar requests for loading platforms of this character.

We recommend that the Safe-Way Farm Products Company be granted permission to construct and maintain said loading platform on the sidewalk area on the west side of San Saba Street between East 4th and East 5th

Streets, subject to the following conditions:

That the proposed leading platform be constructed of concrete and provided with steps and hand rails at each end to permit pedestrians passing through this area and in accordance with the plans on file in the Building Inspector's Office, and that all grades and lines for the curb in front of this property be constructed in accordance with the lines, grades and specifications established by the Department of Public Works and having the approval of the Director of Public Works.

Respectfully submitted,

(Sgd) J. B. Motheral
Director of Public Works

" J. C. Eckert
Building Inspector. "

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf

Nees : None

Absent: Councilman Glass

Councilman Wolf offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be, and he is hereby, authorized and directed to enter into a contract on behalf of the City of Austin with Rogan B. Giles for construction of water mains and sewer mains, all in accordance with the terms and provisions of a certain contract, a copy of which is attached hereto and made a part hereof for all purposes:

(Contract attached)

THE STATE OF TEXAS :

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS :

This contract made and entered into by and between the City of Austin, a municipal corporation situated in Travis County, Texas, hereinafter for convenience sometimes called the City, and ROGAN B. GILES, hereinafter for convenience sometimes called the Customer; W I T N E S S E T H :

I.

(a) The City of Austin for the consideration hereinafter stated agrees to furnish all labor, tools, equipment, implements, appliances, and materials necessary to lay and agrees to lay the certain water mains and other pipes on the streets and at the locations described as follows:

An eight-inch cast iron water main in East 38 $\frac{1}{2}$ Street, Vineland Drive to Chestnut Avenue (1/2 of this street build charged to Willow Brook Subdivision(in Giles Place, Section 1, Subdivision; and

Six-inch cast iron water mains in Chestnut Avenue, H&TC RR to East 38 $\frac{1}{2}$ Street, in East 38th Street, Chestnut Avenue to Vineland Drive and in Giles Street, East 38th Street to Vineland Drive.

(b) The City of Austin for the consideration hereinafter stated agrees to furnish all labor, tools, equipment, implements, appliances, and materials necessary to lay and agree to lay the certain sanitary sewer mains and other sewer pipes on the streets and easements at the locations described as follows:

Six-inch sewer mains in easement adjacent to H & TC R.R., from main sewer in Place to Chestnut Avenue, in easement between East 37th and East 38th Streets from Moon Circle in a westerly direction through the block, in easement between 38 and 38 $\frac{1}{2}$ Streets from Moon Circle to Chestnut Avenue.

II.

It is estimated that all the work contemplated under Paragraph I above will cost the sum of Eleven Thousand Six Hundred Dollars (\$11,600.00) when completed, of which cost the sum of Eight Thousand Six Hundred Dollars (\$8,600.00) is estimated to be the cost of the water lines and the sum of Three Thousand Dollars (\$3,000.00) is estimated to be the cost of the sewer lines; and the Customer, in consideration of the foregoing obligations of the City, which are assumed for the benefit of the Customer in order to furnish water service and sewer service to him, agrees to deposit the sum of Eleven Thousand Six Hundred Dollars (\$11,600.00) with the City of Austin prior to commencement of the work.

III.

Within a reasonable time after deposit of the sum or sums of money as provided in Paragraph II, the City of Austin agrees to commence construction of the utility improvements described in Paragraph I and to prosecute said work in a good and workmanlike manner and with reasonable diligence until fully completed; but delays occasioned by matters and events over which the City has no control shall be excepted and not included in the time reasonably required to complete the work.

IV.

The deposit provided for in Paragraph II is an estimate only of the cost of constructing the utility improvements described in Paragraph I; and it is agreed that if the actual cost of such work is less than the amount deposited by the Customer, the City of Austin after the work is completed will refund to the Customer the difference between the actual cost and the estimated cost of such work, but if the actual cost of such work shall exceed the amount of said deposit, the Customer agrees upon notice from the City immediately to deposit an additional sum to make up the

difference between the estimated cost and the actual cost of the work.

V.

Immediately after completion of the utility improvements described in Paragraph I, the City of Austin will furnish to the Customer a statement of such costs, together with the date of completion of the work; and the City of Austin is hereby authorized, through its officers or agents, to note on this contract the correct figures stating the actual cost of such work and the date of completion.

VI.

It is agreed that the Customer shall be reimbursed for the money deposited as provided in Paragraph II above in the following manner:

Within sixty (60) days after the first day of January following completion of the work described in Paragraph I, the City shall pay to the Customer a sum equal to twice the gross amount of income realized by the City from the service and sale of water to its patrons having a direct connection with the water mains described above for the period of time immediately preceding the first day of January; and within sixty (60) days after the first day of January of each succeeding year the City agrees to pay to the Customer a sum equal to twice the gross income realized by the City during the preceding calendar year from the service and sale of water from said lines to its patrons having a direct connection with said water mains, until the total amount of the cost of construction of the utility improvements has been repaid; but in no event shall the City make such payments for a period of time longer than ten (10) years from the date of completion of said work (as such date is noted hereon under provisions of Paragraph V), even though the full cost of such work at the end of said time has not been refunded in full to the Customer; and if at any time before the expiration of said ten (10) year period the principal sum of such cost has been repaid, further payment shall cease.

VII.

It is agreed that the City may make such repairs and changes in all of said utility improvements, pipes, hydrants, and connections necessary to the orderly conduct of proper utility systems. Title to all said utility improvements shall be and remain at all times in the City of Austin.

VIII.

It is agreed that this contract is made with reference to the existing charter and ordinances of the City of Austin and laws of the State of Texas pertaining to all matters affecting this contract, and the Customer agrees to comply with all provisions of such laws, ordinances, and charter.

IX.

It is agreed that the City of Austin may at its option retain any part or all of the deposit made by the Customer in compliance with Paragraphs II and IV of this contract and refuse to make the payments and refunds provided for in Paragraphs IV and VI of this contract in the event the Customer shall fail or refuse to comply substantially with any obligation

lawfully imposed on the City of Austin regulating the platting, planning, and development of subdivisions within the City of Austin.

IN TESTIMONY WHEREOF, the City of Austin has caused this instrument to be executed in duplicate by its City Manager, attested by its City Clerk, with its corporate seal affixed, and the said Rogan B. Giles has executed this instrument in duplicate this the ___ day of _____, 19__.

CITY OF AUSTIN

By _____
City Manager

Attest:

City Clerk

By _____

Approved:

Director of Public Utilities

Director of Public Works

City Attorney

ENTERED UPON AUTHORITY OF PARAGRAPH V:

Actual cost of construction \$ _____

Date of completion of work _____

CITY OF AUSTIN

By _____

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Glass

Councilman Thornberry offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be, and he is hereby, authorized and directed to enter into a contract on behalf of the City of Austin with M.E.Chernosky for construction of water mains in certain streets in Chernosky Subdivision #14, all in accordance with the terms and provisions of a certain contract, a copy of which is attached hereto and made a part hereof for all purposes.

(Contract attached)

THE STATE OF TEXAS :

COUNTY OF TRAVIS : KNOW ALL MEN BY THESE PRESENTS:

This contract made and entered into by and between the City of Austin, a municipal corporation situated in Travis County, Texas, hereinafter for convenience sometimes called the City, and M. E. Chernosky, hereinafter for convenience sometimes called the Customer; WITNESSETH:

I.

(a) The City of Austin for the consideration hereinafter stated agrees to furnish all labor, tools, equipment, implements, appliances, and materials necessary to lay and agrees to lay the certain water mains and other pipes on the streets and at the locations described as follows:

A six-inch cast iron water main on Pleasant Valley Road - Garwood to Castro, on Prado Street - Pleasant Valley to Tillery Street, on Castro Street - Pleasant Valley to Tillery, in Chernosky Subdivision No. 12; and in Pleasant Valley Road, from Castro to Lyons Road, in Lyons Road - Pleasant Valley to Tillery, in Chernosky Subdivision 14; a total distance of approximately 4,000 feet.

II.

It is estimated that all the work contemplated under Paragraph I above will cost the sum of Eight Thousand Seven Hundred Dollars (\$8,700.00) when completed, and the Customer, in consideration of the foregoing obligations of the City, which are assumed for the benefit of the Customer in order to furnish water service to him, agrees to deposit the sum of Eight Thousand Seven Hundred Dollars (\$8,700.00) with the City of Austin prior to commencement of the work.

III.

Within a reasonable time after deposit of the sum or sums of money as provided in Paragraph II, the City of Austin agrees to commence construction of the utility improvements described in Paragraph I and to prosecute said work in a good and workmanlike manner and with reasonable diligence until fully completed; but delays occasioned by matters and events over which the City has no control shall be excepted and not included in the time reasonably required to complete the work.

IV.

The deposit provided for in Paragraph II is an estimate only of the

cost of constructing the utility improvements described in Paragraph I; and it is agreed that if the actual cost of such work is less than the amount deposited by the Customer, the City of Austin after the work is completed will refund to the Customer the difference between the actual cost and the estimated cost of such work, but if the actual cost of such work shall exceed the amount of said deposit, the Customer agrees upon notice from the City immediately to deposit an additional sum to make up the difference between the estimated cost and the actual cost of the work.

V.

Immediately after completion of the utility improvements described in Paragraph I, the City of Austin will furnish to the Customer a statement of such costs, together with the date of completion of the work; and the City of Austin is hereby authorized, through its officers or agents, to note on this contract the correct figures stating the actual cost of such work and the date of completion.

VI.

It is agreed that the Customer shall be reimbursed for the money deposited as provided in Paragraph II above in the following manner:

Within sixty (60) days after the first day of January following completion of the work described in Paragraph I, the City shall pay to the Customer a sum equal to twice the gross amount of income realized by the City from the service and sale of water to its patrons having a direct connection with the water mains described above for the period of time immediately preceding the first day of January; and within sixty (60) days after the first day of January of each succeeding year the City agrees to pay to the Customer a sum equal to twice the gross income realized by the City during the preceding calendar year from the service and sale of water from said lines to its patrons having a direct connection with said water mains, until the total amount of the cost of construction of the utility improvements has been repaid; but in no event shall the City make such payments for a period of time longer than ten (10) years from date of completion of said work (as such date is noted hereon under provisions of Paragraph V), even though the full cost of such work at the end of said time has not been refunded in full to the Customer; and if at any time before the expiration of said ten (10) year period the principal sum of such cost has been repaid, further payment shall cease.

VII.

It is agreed that the City may make such repairs and changes in all of said utility improvements, pipes, hydrants, and connections necessary to the orderly conduct of proper utility systems. Title to all said utility improvements shall be and remain at all times in the City of Austin.

VIII.

It is agreed that this contract is made with reference to the existing charter and ordinances of the City of Austin and laws of the State of Texas pertaining to all matters affecting this contract, and the Customer agrees to comply with all provisions of such laws, ordinances and charter.

IX.

It is agreed that the City of Austin may at its option retain any

part or all of the deposit made by the Customer in compliance with Paragraphs II and IV of this contract and refuse to make the payments and refunds provided for in Paragraphs IV and VI of this contract in the event the Customer shall fail or refuse to comply substantially with any obligation lawfully imposed on the Customer under any provision of the State laws or the ordinances of the City of Austin regulating the platting, planning, and development of subdivisions within the City of Austin.

IN TESTIMONY WHEREOF, the City of Austin has caused this instrument to be executed in duplicate by its City Manager, attested by its City Clerk, with its corporate seal affixed, and the said M. E. Chernosky executed this instrument in duplicate this the _____ day of _____, 19____.

CITY OF AUSTIN

By _____
City Manager

Attest:

City Clerk

By _____

Approved:

Director of Public Utilities

Director of Public Works

City Attorney

ENTERED UNDER AUTHORITY OF PARAGRAPH V:

Actual cost of construction: \$ _____

Date of completion of work : _____

CITY OF AUSTIN

By _____

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None ; Absent ; Councilman Glass

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Manager be, and he is hereby, authorized and directed to enter into a contract on behalf of the City of Austin with DELWOOD DEVELOPMENT COMPANY for construction of water mains, sewer mains and house connection stubs in Pannell Place Subdivision, all in accordance with the terms and provisions of a certain contract, a copy of which is attached hereto and made a part hereof for all purposes:

(Contract attached)

THE STATE OF TEXAS :

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS :

This contract made and entered into by and between the City of Austin, a municipal corporation situated in Travis County, Texas, hereinafter for convenience sometimes called the City, and Delwood Development Company, hereinafter for convenience sometimes called the Customer; W I T N E S S E T H :

I.

(a) The City of Austin for the consideration hereinafter stated agrees to furnish all labor, tools, equipment, implements, appliances, and materials necessary to lay and agrees to lay the certain water mains and other pipes on the streets and at the locations described as follows:

Six-inch cast iron water mains to be installed in the following streets: In Rountree Drive from 19th Street to Manor Road, on 19th Street from Harvey Street to Airport Boulevard; in Higgins Street from Rountree Drive to Airport Boulevard; in Pannell Street from Rountree Drive to Airport Boulevard, Moss Street from Rountree Drive to Airport Boulevard; a distance of approximately 3120 feet;

Eight-inch cast iron water mains to be installed in Manor Road from Rountree Drive to Airport Boulevard, and in Eckert Street from Rountree Drive to Airport Boulevard, a distance of approximately 1100 feet;

A two-inch cast iron water main in Higgins Street from Rountree Drive to Airport Boulevard, a distance of approximately 810 feet; all in Pannell Place Subdivision.

(b) The City of Austin for the consideration hereinafter stated agrees to furnish all labor, tools, equipment, implements, appliances, and materials necessary to lay and agrees to lay the certain sanitary sewer mains and other sewer pipes on the streets and easements at the locations described as follows:

Six-inch sewer mains and house connection stubs in Rountree Drive from Higgins Street to Manor Road; in Higgins Street Easement (north from Rountree Drive) to Airport Boulevard; in Eckert Street Easement (north from Rountree Drive) to Airport Boulevard; in Pannell Street Easement (north from Rountree Drive) to Airport Boulevard; in Moss Street Easement (north from Rountree Drive) to Airport Boulevard, in Pannell Place Subdivision.

II.

It is estimated that all the work contemplated under Paragraph I above will cost the sum of Fifteen Thousand Dollars (\$15,000.00) when completed, of which cost the sum of Nine Thousand Five Hundred Dollars (\$9,500.00) is estimated to be the cost of the water lines and the sum of Five Thousand Five Hundred Dollars (\$5,500.00) is estimated to be the cost of the sewer lines; and the Customer, in consideration of the foregoing obligations of the City, which are assumed for the benefit of the Customer in order to furnish water service and sewer service to him, agrees to deposit the sum of Fifteen Thousand Dollars (\$15,000.00) with the City of Austin prior to commencement of the work.

III.

Within a reasonable time after deposit of the sum or sums of money as provided in Paragraph II, the City of Austin agrees to commence construction of the utility improvements described in Paragraph I and to prosecute said work in a good and workmanlike manner and with reasonable diligence until fully completed; but delays occasioned by matters and events over which the City has no control shall be excepted and not included in the time reasonably required to complete the work.

IV.

The deposit provided for in Paragraph II is an estimate only of the cost of constructing the utility improvements described in Paragraph I; and it is agreed that if the actual cost of such work is less than the amount deposited by the Customer, the City of Austin after the work is completed will refund to the Customer the difference between the actual cost and the estimated cost of such work, but if the actual cost of such work shall exceed the amount of said deposit, the Customer agrees upon notice from the City immediately to deposit an additional sum to make up the difference between the estimated cost and the actual cost of the work.

V.

Immediately after completion of the utility improvements described in Paragraph I, the City of Austin will furnish to the Customer a statement of such costs, together with the date of completion of the work; and the City of Austin is hereby authorized, through its officers or agents, to note on this contract the correct figures stating the actual cost of such work and the date of completion.

VI.

It is agreed that the Customer shall be reimbursed for the money deposited as provided in Paragraph II above in the following manner:

Within sixty (60) days after the first day of January following completion of the work described in Paragraph I, the City shall pay to the Customer a sum equal to twice the gross amount of income realized by the City from the service and sale of water to its patrons having a direct connection with the water mains described above for the period of time immediately preceding the first day of January; and within sixty (60) days after the first day of January of each succeeding year the City agrees to pay to the Customer a sum equal to twice the gross income realized by the City during the preceding calendar year from the service and sale of water from said lines to its patrons having a direct connection with said water mains, until the total amount of the cost of construction of the utility improvements has been repaid; but in no event shall the City make such payments for a period of time longer than ten (10) years from the date of completion of said work (as such date is noted hereon under provisions of Paragraph V) even though the full cost of such work at the end of said time has not been refunded in full to the Customer; and if at any time before the expiration of said ten (10) year period the principal sum of such cost has been repaid, further payment shall cease.

VII.

It is agreed that the City may make such repairs and changes in all of said utility improvements, pipes, hydrants, and connections necessary to the orderly conduct of proper utility systems. Title to all said utility improvements shall be and remain at all times in the City of Austin.

VIII.

It is agreed that this contract is made with reference to the existing charter and ordinances of the City of Austin and laws of the State of Texas pertaining to all matters affecting this contract, and the Customer agrees to comply with all provisions of such laws, ordinances and charter.

IX

It is agreed that the City of Austin may at its option retain any part or all of the deposit made by the Customer in compliance with Paragraphs II and IV of this contract and refuse to make the payments and refunds provided for in Paragraphs IV and VI of this contract in the event the Customer shall fail or refuse to comply substantially with any obligation lawfully imposed on the City of Austin regulating the platting, planning, and development of subdivisions within the City of Austin.

IN TESTIMONY WHEREOF, the City of Austin has caused this instrument to be executed in duplicate by its City Manager, attested by its City Clerk, with its corporate seal affixed, and the said Delwood Development Company has executed this instrument in duplicate this the ___ day of _____, 19____.

CITY OF AUSTIN

By _____
City Manager

Attest:

City Clerk

DELWOOD DEVELOPMENT COMPANY

By _____
Sole Owner

Approved:

Director of Public Utilities

Director of Public Works

City Attorney

ENTERED UPON AUTHORITY OF PARAGRAPH V:

Actual Cost of construction \$ _____

Date of completion of work _____

CITY OF AUSTIN

By _____

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Glass

The application of ANDREW JACKSON CHAMPION, 300 Congress Avenue, for a license to operate as a taxicab a 4-door Chevrolet Sedan, 1941 Model, Motor No. AA-1150560, State License No. FV-6134, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Glass

The application of FINGAL R. ARNHAMN, 300 Congress Avenue, for a license to operate as a taxicab a Plymouth Sedan, 1946 Model, Motor No. F1548752, State License No. HN-5829, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Glass

The application of CHARLES S. LAY, 902 East 2nd Street, for a license to operate as a taxicab a 4-door Chevrolet Sedan, 1940 Model, Engine No. 2737603, State License No. FV-8548, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the license be granted. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry
and Wolf

Noes : None

Absent: Councilman Glass

The application of HARRISON W. PITTMAN, 217 West 8th Street, for a license to operate as a taxicab a Chevrolet Sedan, 1942 Model, Motor No. BA-107320, State License No. FV-9116, duly approved by the City Manager, was submitted. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry
and Wolf

Noes : None

Absent: Councilman Glass

The application of WILLIAM OLIVER BARNETT, 217 West 8th Street, for a license to operate as a taxicab a 4-door Plymouth Sedan, 1947 Model, Serial No. 20186390, Motor No. P15-184794, State License No. HR-593, duly approved by the City Manager, was submitted. Councilman Wolf moved that the license be granted. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry
and Wolf

Noes : None

Absent: Councilman Glass

The application of WILLIAM OLIVER BARNETT, Prather Hall, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Wolf moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry
and Wolf

Noes : None

Absent: Councilman Glass

The application of ARCHIE R. PHILLIPS, JR., 4011 Marathon Boulevard, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Wolf moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry
and Wolf

Noes : None

Absent: Councilman Glass

The application of MATT EUGENE MATHIS, 409 West 14th Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Wolf moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry
and Wolf

Noes : None

Absent: Councilman Glass

The application of FELIX E. LEWALLAN, 504 East 7th Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Wolf moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry
and Wolf

Noes : None

Absent: Councilman Glass

The application of CHARLES S. LAY, 902 East 2nd Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Wolf moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Glass

The application of JAMES THOMAS ESTEPP, 2211 Post Road, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Glass

The application of ROBERT W. CARRY, 1608A Brackenridge Apartments, Lake Austin Boulevard, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Glass

The application of NATHAN REX BURNS, 203 Neches Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Glass

The application of NORMAN F. CRIDER, 207 East 10th Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Glass

The application of DOYLE CECIL GRADY, 3706 Wabash Avenue, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Glass

The application of WM. R. CONNALLY, 512 East 40th Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried

by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Glass

The application of ARTHUR RAY CUNNINGHAM, 2009 East 1st Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Glass

The application of BERT FRANKLIN LAY, 1119 West 5th Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Glass

The appeal of HUBERT WINFREY REED, 1108 West 34th Street, on his application for a taxicab driver's permit, recommended for denial, was heard. After considering the facts in the case, Councilman Thornberry moved that the said Hubert Winfrey Reed be granted a probationary permit to drive a taxicab for ninety days. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Glass

The application of JABOUR PACKAGE STORE NO. 2, by M. Jabour, 607½ East 6th Street, for a package store license, duly approved by the City Manager, was submitted. Councilman Wolf moved that the license be granted. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Glass

Councilman Wolf introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ESTABLISHING PARKING METER ZONES IN THE CITY OF AUSTIN; AND PROVIDING FOR THE REGULATION OF TRAFFIC THEREBY, WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN AUGUST 19, 1937, AND IS RECORDED IN BOOK "K", PAGES 281-286, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTIONS 2 AND 8 (a) OF SAID ORDINANCE, RELATING TO THE ESTABLISHMENT OF PARKING METER ZONES, AND SECTION 6(a) RELATING TO OPERATION OF METER; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Wolf moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Glass

The ordinance was read the second time and Councilman Wolf moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Glass

The ordinance was then read the third time and Councilman Wolf moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Glass

Thereupon Mayor Miller announced that the ordinance had been finally passed.

Councilman Wolf introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN ON MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING ARTICLE III, SECTION 12(b) RELATING TO "STOP SIGN" LOCATIONS, AND ARTICLE IV, SECTION 22(e), SECTION 22(f), SECTION 23(d) AND SECTION 26(a) OF SAID ORDINANCE RELATING RESPECTIVELY TO ONE-HOUR, TWO-HOUR, LOADING AND ANGLE PARKING ZONES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Wolf moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Glass

The ordinance was then read the second time and Councilman Wolf moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Glass

The ordinance was then read the third time and Councilman Wolf moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Glass

Thereupon Mayor Miller announced that the ordinance had been finally passed.

The City Manager submitted a tabulation of bids received for the construction of a storm sewer in the 600 block of West 4th Street. The Council deferred action on the matter and referred same back to the City Manager to contact the property owners in that block and find out if they would be willing to pay one-fourth of the cost and submit his report to the Council

Councilman Wolf offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That Guiton Morgan, City Manager of the City of Austin, be and he is hereby authorized and directed to execute a release of a judgment, dated November 18, 1930, taken in Cause No. 48,683, styled City of Austin vs. Eugene C. Fleischer, recorded in Book 19, page 541, of the Minutes of the District Clerk, Travis County, Texas, all taxes and costs owing to the City of Austin, as contained in said judgment, having been paid.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Glass

Upon motion, seconded and carried, the meeting was then recessed, subject to call of the Mayor.

Approved: _____

MAYOR

Attest:

Lucia M. Keen

CITY CLERK